

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

DENNIS JAMES CLARK,

Plaintiff

VS.

WILLIAM TERRY, *et al.*,

Defendants

NO. 5:09-CV-365 (HL)

PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE

RECOMMENDATION

On January 7, 2010, defendants William Terry, Clinton Perry, Jr., and Chiquita Fye, M.D., filed a motion seeking dismissal of the above-captioned case. Tab #17. On January 8, 2010, the undersigned entered an order directing plaintiff Dennis James Clark to file a response to the defendants' motion seeking dismissal on or before February 1, 2010. Tab #20. In addition to directing the plaintiff to respond, the undersigned's order advised the plaintiff that, if he failed to respond, the court would consider the defendants' motion uncontested and could recommend that it be granted. Thereafter, on January 22, 2010, the plaintiff timely filed a motion seeking an extension of time to file his response to the defendants' motion. Tab #21. On January 15, 2010, the undersigned granted an extension and directed the plaintiff to file his response no later than March 3, 2010. Tab #22. To date, the plaintiff has failed to file *any* response to the defendants' motion.

Accordingly, **IT IS RECOMMENDED** that the defendants' unopposed request for dismissal be **GRANTED** and that this action be **DISMISSED**. Pursuant to 28 U.S.C. §636(b)(1), the parties may serve and file written objections to this **RECOMMENDATION** with the district judge to whom this case is assigned **WITHIN FOURTEEN (14) DAYS** after being served with a copy thereof.

The Clerk is directed to serve plaintiff at the **LAST ADDRESS** provided by him.

SO RECOMMENDED, this 26th day of MAY, 2010.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE